

# HOUSE BILL NO. 4239

February 11, 2021, Introduced by Rep. Mueller and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 219, 904c, and 904f (MCL 257.219, 257.904c,  
and 257.904f), section 219 as amended by 2018 PA 74, section 904c  
as amended by 1999 PA 73, and section 904f as added by 1998 PA 358.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 219. (1) The secretary of state shall refuse issuance of  
2       a registration or a transfer of registration ~~upon~~**on** any of the  
3       following grounds:

1 (a) The application contains a false or fraudulent statement,  
2 the applicant has failed to furnish required information or  
3 reasonable additional information requested by the secretary of  
4 state, or the applicant is not entitled to the registration of the  
5 vehicle under this act.

6 (b) The secretary of state has reasonable ground to believe  
7 that the vehicle is a stolen or embezzled vehicle, or that the  
8 granting of registration would constitute a fraud against the  
9 rightful owner or other person having a valid lien ~~upon~~**on** the  
10 vehicle.

11 (c) The registration of the vehicle is suspended or revoked  
12 for any reason provided in the motor vehicle laws of this state.

13 (d) At the time of the application, the operator's or  
14 chauffeur's license of the owner or co-owner or lessee or co-lessee  
15 is suspended, revoked, or denied, except for an applicant who has  
16 been issued a license under section 304, or the operator has never  
17 been licensed by this state for a third or subsequent violation of  
18 section 625 or 625m, a local ordinance substantially corresponding  
19 to section 625 or 625m, or a law of another state substantially  
20 corresponding to section 625 or 625m, or for a fourth or subsequent  
21 suspension or revocation under section 904.

22 (e) The required fee has not been paid.

23 (f) The applicant, at the time of applying for registration or  
24 a transfer of registration other than a temporary registration  
25 issued under section 226b, fails to present a certificate of  
26 compliance or waiver for a motor vehicle as required under either  
27 part 63 or part 65 of the natural resources and environmental  
28 protection act, 1994 PA 451, MCL 324.6301 to 324.6321 and 324.6501  
29 to 324.6539.

1 (g) The application for registration of a vehicle with an  
2 elected gross weight of 55,000 pounds or more is not accompanied  
3 with proof of payment of the federal highway use tax levied under  
4 the surface transportation assistance act of 1982, Public Law 97-  
5 424.

6 (h) The applicant is a motor carrier subject to an out-of-  
7 service order, the applicant has applied for a registration or  
8 transfer registration as a subterfuge for a person subject to an  
9 out-of-service order, or the applicant's business is operated,  
10 managed, controlled by, or affiliated with a person that is  
11 ineligible for registration, including, but not limited to, the  
12 applicant, a relative or family member of the applicant, or a  
13 corporate officer or shareholder of the applicant. As used in this  
14 subdivision, "out-of-service order" means that term as defined in  
15 49 CFR 390.5, and also includes an out-of-service order issued  
16 under 49 CFR 386.73.

17 (2) The secretary of state shall refuse issuance of a  
18 certificate of title or a salvage certificate of title ~~upon~~ ~~on~~ any  
19 of the following grounds:

20 (a) The application contains a false or fraudulent statement,  
21 the applicant has failed to furnish required information or  
22 reasonable additional information requested by the secretary of  
23 state, or the applicant is not entitled to the issuance of a  
24 certificate of title or salvage certificate of title under this  
25 act.

26 (b) The secretary of state has reasonable ground to believe  
27 that the vehicle is a stolen or embezzled vehicle or that the  
28 issuance of a certificate of title or a salvage certificate of  
29 title would constitute a fraud against the rightful owner or other

1 person having a valid security interest ~~upon~~**on** the vehicle.

2 (c) The required fee has not been paid.

3 (3) The secretary of state shall not issue a registration for  
4 a vehicle ~~for which a temporary registration plate was issued~~  
5 **immobilized** under section 904c until the violation resulting in the  
6 ~~issuance of the plate immobilization~~ is adjudicated or the vehicle  
7 is transferred to a person ~~who~~**that** is subject to payment of a use  
8 tax under section 3 of the use tax act, 1937 PA 94, MCL 205.93.

9 Sec. 904c. ~~(1)~~ When a peace officer detains the driver of a  
10 motor vehicle for a violation of a law of this state or local  
11 ordinance ~~for which~~**that requires** vehicle immobilization, ~~is~~  
12 ~~required,~~ the peace officer shall ~~do all of the following:~~

13 ~~(a) Immediately confiscate the vehicle's registration plate~~  
14 ~~and destroy it.~~

15 ~~(b) Issue a temporary vehicle registration plate for the~~  
16 ~~vehicle in the same form prescribed by the secretary of state for~~  
17 ~~temporary registration plates issued under section 226a or 226b.~~

18 ~~(c) Place the temporary vehicle registration plate on the~~  
19 ~~vehicle in the manner required by the secretary of state.~~

20 ~~(d) Notify~~**notify** the secretary of state through the law  
21 enforcement information network in a form prescribed by the  
22 secretary of state that the ~~registration plate was confiscated and~~  
23 ~~destroyed, and a temporary plate was issued.~~

24 ~~(2) A temporary vehicle registration plate issued under this~~  
25 ~~section is valid until the charges against the person are~~  
26 ~~dismissed, the person pleads guilty or nolo contendere to those~~  
27 ~~charges, or the person is found guilty of or is acquitted of those~~  
28 ~~charges.~~**vehicle must be recorded as immobilized under this act.**

29 Sec. 904f. The vehicle registration records of the secretary

1 of state ~~shall~~ **must** disclose ~~which~~ vehicles **that** are ~~assigned a~~  
2 ~~temporary registration plate under section 904e or are immobilized~~  
3 under this act.